

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

KENNETH DANIEL PALMER, #224480 \*

Plaintiff \*

v. \* CIVIL ACTION NO. JKB-15-1964

WARDEN FISHER, et al. \*

Defendants \*

\* \* \* \* \*

**MEMORANDUM**

On July 1, 2015, plaintiff Kenneth Daniel Palmer, who is detained at the Maryland Reception Diagnostic and Classification Center, filed this 42 U.S.C. § 1983 civil rights action for compensatory and punitive damages. ECF No. 1. He claims that he is illegally imprisoned on a parole violation retake warrant that is “beyond his [April 28, 2015] maximum term of confinement [on] a pair of expired state convictions.” *Id.* Palmer has filed a motion for leave to proceed in forma pauperis which shall be granted.

Palmer’s civil rights claim for damages, which raises challenges to the constitutionality of his incarceration, is not appropriate unless and until his revocation charges have been dismissed or declared invalid by a tribunal authorized to make such a determination. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). His allegation, which is tantamount to a Fourteenth Amendment claim, is barred by the rule announced in *Heck*, as a judgment in Palmer’s favor would necessarily imply the invalidity of his criminal detention. The *Heck* bar applies to proceedings that call into question the fact or duration of parole or probation. *See Crow v. Penry*, 102 F.3d 1086, 1087 (10th Cir. 1996). Therefore, a complaint for damages is barred under the rule of *Heck*.

Dated this 9<sup>th</sup> day of July, 2015.

\_\_\_\_\_/s/\_\_\_\_\_  
James K. Bredar  
United States District Judge